## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

ASTELLAS INSTITUTE FOR REGENERATIVE MEDICINE, and STEM CELL & REGENERATIVE MEDICINE INTERNATIONAL, INC.,	
Plaintiffs,	) C.A. NO. 1:17-cv-12239-DJC
v.	)
IMSTEM BIOTECHNOLOGY, INC., XIAOFANG WANG, and REN-HE XU,	) )
Defendants.	) ) )

## DECLARATION OF TIMOTHY R. SHANNON IN FURTHER SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

- I, Timothy R. Shannon, state as follows:
- 1. I am an attorney at the firm Verrill Dana LLP, One Portland Square, Portland, ME 04101, counsel of record for the defendants ImStem Biotechnology, Inc., Ren-He Xu, and Xiaofang Wang (collectively, the "Defendants"). I am over the age of 18, am fully competent to make this declaration, and make this declaration on personal knowledge.
- 2. Attached hereto as **Exhibit 1** is a true and accurate copy of the Expert Report of Dr. Bryan Zerhusen (Nov. 1, 2019), exhibits omitted.<sup>1</sup>
- 3. Attached hereto as **Exhibit 2** is a true and accurate copy of excerpts of the Plaintiffs' Privilege Log submitted to the Defendants in this matter, which has been modified by the Defendants to include red boxes to highlight relevant portions of the document.

<sup>&</sup>lt;sup>1</sup> This document is also available in the Declaration of Timothy R. Shannon in Support of Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment, Ex. 9 (Dkt. 154). A copy has been attached again here, in support of Defendants' Reply, for the Court's convenience.

- 4. Attached hereto as **Exhibit 3** is a true and accurate copy of Email from Timothy Shannon to Lauren Sharkey, *et al.* (Dec. 23, 2019 11:09 PM).
- 5. Attached hereto as **Exhibit 4** is a true and accurate copy of excerpts of the Deposition Transcript of Xiaofang Wang (July 29, 2019).
- 6. Attached hereto as **Exhibit 5** is a true and accurate copy of the document marked as Exhibit 86 in the Deposition of Ren-He Xu (July 3, 2019).
- 7. Attached hereto as **Exhibit 6** is a true and accurate copy of the document marked as Exhibit 87 in the Deposition of Ren-He Xu (July 3, 2019).
- 8. Attached hereto as **Exhibit 7** is a true and accurate copy of Email from Ren-He Xu to Yusuf Khan (May, 7, 2010) and attached draft of MSC Book Chapter (IMSTEM42283-42383).

Signed under the pains and penalties of perjury this 17<sup>th</sup> day of January 2020.

/s/ Timothy R. Shannon
Timothy R. Shannon

## **CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of this document to be filed in accordance with the Court's procedures through the CM/ECF system, to be sent electronically to the registered participants, and paper copies to be sent to those indicated as nonregistered participants.

Dated: January 17, 2020 /s/ Timothy R. Shannon
Timothy R. Shannon